

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. MDL 04-1592

In Re: Columbia University Patent Litigation
PLAINTIFF

DEFENDANT

Various Counsel

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT

JUDGE Wolf

CLERK O'Leary

REPORTER Twomey

CLERK'S NOTES

DATES:	Motion Hearing
10/6/04	Columbia informs the court that it is willing to extend the covenant not to sue to encompass the covenant used in the Spectronics case. Court takes a recess and allows the parties to confer regarding the extension of the covenant not to sue. Court resumes. Biogen puts certain clarifications regarding the new covenant on the record. Biogen still wishes to be heard on the emergency motion to dismiss. Court listens to oral arguments. Court breaks for lunch. Court resumes - parties report that there has been no resolution to the case. Court orders Columbia to file a status report regarding the 159 patent by cob Monday, October 11, 2004. Court orders Columbia to file a revised covenant not to sue to reflect the changes announced in court today by cob Tuesday, October 12, 2004. Court orders plaintiff, Biogen, to file copies of the PTO record for the 159 patent, under seal, by cob Thursday, October 7, 2004. Court takes Columbia's emergency motion to dismiss (docket no. 86) under advisement. Court orders the parties to order a copy of the transcript from today's hearing. Court stays the briefing on the motion for summary judgment as to the double patenting issue. Defendant informs the court that it is willing table its motion to complete Dr. Dolnik's deposition until after the court issues its order on the emergency motion to dismiss. Court listens to oral arguments on Amgen's motion to compel deposition of Dr. Goodgal (docket no. 99) and motion to produce Dr. Siminovich (docket no. 122). Court allows motion to compel deposition of Dr. Goodgal (docket no. 99) and gives Amgen 7 hours in which to complete the deposition by October 20, 2004. Court takes the motion to produce Dr. Siminovich under advisement. Court order the parties to file supplemental case law or a letter indicating no case law was found regarding this issue by cob October 14, 2004. Court orders

	Columbia to inquire if Dr. Siminovich would be willing to be deposed and report by the morning of
	October 12, 2004.